IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

TUESDAY, THE EIGHTH DAY OF FEBRUARY
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR JUSTICE R.SUBHASH REDDY

WRIT PETITION NO : 12312 of 1996

Between:

Yenisetti Hymavathi W/o late Chandrasekhara Gupta
D.No.11-5-24, I-Town, Vijayawada-1,
Krishna Dist.

..... PETITIONER

AND

1 The State of A.P. rep. by the District Collector,
Prakasam Dist., Ongole
2 The District Social Welfare Officer (LA) & Land

Acquisition Officer, Ongole. Prakasam Dist.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to issue a writ, order or direction particularly one in the nature of Writ of Mandamus, declaring that the petitioner is entitled to the payment of compensation amount of Rs.3,735-20 with interest @ 24% per annum from the date of Award i.e. 21-2-1977, till realisation towards the acquisition of land admeasuring Ac.0-58 cents in Sy.578/8 situated in Chinnaganjam Village Prakasam Dist., belonging to her late husband as being the sole legal heir and consequently directing the respondents to take immediate steps to make the payment of the said compensation amount with interest to the petitioner within a stipulated period of not beyond three months.

Counsel for the Petitioner: MR.RAVI KUMAR TOLETY

Counsel for the Respondents: GP FOR LAND ACQUISITION

The Court made the following:

ORDER:

This writ petition is filed seeking writ of Mandamus to declare the action of the respondents in not paying the compensation of Rs.3,735-20 paise, awarded in the land acquisition proceedings, together with interest, for the lands acquired in Sy.No.578/8 admeasuring Ac.0-58 cents situated in Chinnaganjam Village, Prakasam District, as illegal and arbitrary.

It is the case of the petitioner that the above said land, which stood in the name of her late husband, was acquired under the provisions of the Land Acquisition Act (for short 'the Act') for implementation of the social welfare schemes. Further, it is alleged that though the award was passed for payment of compensation and a series of representations were made in this regard, compensation was not paid by the respondents. Hence, the writ petition.

In the counter-affidavit filed on behalf of the respondents, it is stated that after passing the award, though notice was served on the

claimant under Section-12 (2) of the Act, he refused to receive the award amount. Further, the claimant questioned the land acquisition proceedings before this Court. He had also filed O.S.Nos.402 of 1977 and 271 of 1989 on the file of the District Munsif, Chirala, but the same were dismissed. The respondents have denied the representations alleged to have been made by the petitioner.

Learned counsel for the petitioner submits that subsequently compensation was paid. The only contention advanced by the learned counsel is that the petitioner is entitled for award of interest on the compensation for the period beyond 1992 inasmuch as all the cases filed in this regard were disposed of in the year 1992. Further, it is submitted that there is no reason for not paying the interest on the compensation subsequent to the year 1992.

On the other hand, it is contended by the learned Government Pleader for Land Acquisition that only due to contest of the land acquisition proceedings, compensation was not paid. Subsequently, the compensation awarded in the award was kept ready for payment, but the petitioner has never approached the respondents for payment of the same prior to 26.08.1996.

In the instant case, it can be noticed that though award notice under Section-12 (2) of the Act was served on the claimant, he has refused to receive the compensation amount. Further, as the acquisition proceedings were questioned before this Court, the compensation was not paid. Subsequently, though the award amount was kept in revenue deposit in the year 1977, but the petitioner has made representation only on 26.08.1996 for withdrawal of the same. Therefore, this is not a fit case to consider for award of any interest on the compensation subsequent to 1992 also.

For the foregoing reasons, the writ petition is devoid of merits and is

accordingly dismissed. No order as to costs.

_____ (R.SUBHASH REDDY, J)

08.02.2005

DR

To

1 The State of A.P. rep. by the District Collector,
Prakasam Dist., Ongole
2 The District Social Welfare Officer (LA) & Land

Acquisition Officer, Ongole. Prakasam Dist.

3 2 CCs to Government Pleader for Land Acquisition,

High Court Buildings, Hyderabad. (OUT)

4 2 CD copies